

HOUSE No. 4241

Message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects. July 8, 2012.

The Commonwealth of Massachusetts



DEVAL L. PATRICK
GOVERNOR

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EXECUTIVE DEPARTMENT
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July 8, 2012.

To the Honorable Senate and House of Representatives:

I am filing for your consideration a bill entitled “An Act Making Appropriations for the Fiscal Year 2013 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

Building on Fiscal Year 2012, I am proposing to fund an additional \$6 million for the Safe and Successful Youth initiative. In combination with investments I am filing for Summer Jobs and Shannon Grants, \$6 million and \$1.5 million respectively, the SSY program helps provide positive, constructive and safe opportunities for our youth.

I am also proposing \$15 million for projected funding needs for emergency housing services for low-income families. While the reforms in the emergency family housing program included in the Fiscal Year 2013 budget will save millions of dollars for taxpayers and get better outcomes for families, the current funding level provided in the Fiscal Year 2013 budget is not sufficient to meet projected costs for the entire year. The supplemental budget legislation I am filing today also calls for \$14 million to fund core information technology services required to support critical systems that support the delivery of services to the Commonwealth’s residents on a daily basis. These services are wide-ranging, from securing residents and customers’ personal information to the timely processing of payments to direct care providers on behalf of our most vulnerable populations.

In addition, I propose to fund a reserve of \$10 million to support the full costs of implementing the Chapter 257 reforms, which aim to provide more transparent, reliable and appropriate funding to contracted human services providers.

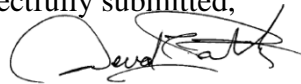
I am proposing that \$300,000 in additional Fiscal Year 2013 funding be made available for the Massachusetts National Guard. This additional state funding is needed to secure maximum available federal funding and to avoid scaling back operations of our bases and armories. It is important for the state to continue its funding commitments for the operation of state bases and armories.

Corresponding to my veto of budget legislation that would freeze private school special education tuition rates, I am requesting \$1.4 million at the Department of Children and Families to offset tuition cost on behalf of children in the custody of the state. I also propose \$100,000 to fund a study by the Department of Mental Health to assess the demand for mental health and related support services in the Southeastern Massachusetts region.

Lastly, I am filing legislation that would authorize the use of one-time settlement revenues received in Fiscal Year 2013 to pay for the costs of a 2012 sales tax holiday.

Based on the actions I am taking today in signing the Fiscal Year 2013 budget, sufficient revenues are estimated to be available to finance these appropriations. I urge your prompt and favorable consideration of this bill.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Deval Patrick', written over a horizontal line.

DEVAL L. PATRICK,
Governor.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve.

AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2013 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2013 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2013, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2013. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Office of the Secretary of Health and Human Services

4000-0005	\$6,000,000
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Department of Children and Families.

4800-0041	\$1,400,000
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18 *Department of Mental Health*

19 5095-0015\$100,000

21 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

22 *Department of Career Services*

23 7002-0012\$6,000,000

25 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT.

26 *Department of Housing and Community Development.*

27 7004-0101\$15,000,000

29 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

30 *Office of the Secretary of Public Safety and Security*

31 8100-0111\$1,500,000

32 *Military Division.*

33 8700-0001\$300,000

35 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
36 provide for an alteration of purpose for current appropriations, and to meet certain requirements
37 of law, the sums set forth in this section are hereby appropriated from the General Fund unless
38 specifically designated otherwise in this section, for the several purposes and subject to the
39 conditions specified in this section, and subject to the laws regulating the disbursement of public
40 funds for the fiscal year ending June 30, 2013. These sums shall be in addition to any amounts
41 previously appropriated and made available for the purposes of those items.

43 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

44 *Office of the Secretary of Administration and Finance*

46 1599-4380.. For a reserve to support information technology requirements and improve
47 information technology infrastructure at state agencies and departments; provided, that the
48 secretary of administration and finance, in consultation with the chief information officer of the

commonwealth, may transfer amounts from this account to items 1100-1700, 2000-1700, 4000-1700, and 8000-1700.....\$14,000,000

1599-2007..... For a reserve for costs attributable to the implementation of chapter 257 of the acts of 2008.....\$10,000,000

SECTION 3. Item 5095-0015 of section 2 of the general appropriation act for fiscal year 2013 is hereby amended by adding the following words:- ; and provided further, that the commissioner may expend funds from this item, not to exceed \$100,000, for a study to assess the current demand for community-based mental health and related support services for adult and children populations in the southeastern Massachusetts region.

SECTION 4. Said section 2 of the general appropriation act for fiscal year 2013 is hereby amended by striking item 1599-6901 and inserting in place thereof the following item:-

1599-6901... For a reserve for the Human Service Salary Reserve Fund; provided, that funds transferred under this item shall be used to provide 1-time salary bonuses to personnel earning less than \$40,000 in annual compensation who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs; provided further, that workers from shelters and programs that serve homeless individuals and families that were previously contracted through the department of transitional assistance and the department of public health currently contracted with the department of housing and community development and direct care workers that serve homeless veterans through the department of veterans affairs shall be eligible for funding from this item; provided further, that no funds from this item shall be allocated to special education programs under chapter 71B of the General Laws, contracts for early education and care services or programs for which payment rates are negotiated and paid as class rates as established by the division of health care finance and policy; provided further, that no funds shall be allocated from this item to contracts funded exclusively by federal grants as delineated in section 2D.....\$10,000,000.

SECTION 5. The general appropriation act for fiscal year 2013 is hereby amended by striking out section 154 and inserting in place thereof the following section:-

Section 154. Notwithstanding any general or special law to the contrary, after complying with clause (a) of section 5C of chapter 29 of the General Laws, the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2012 as follows: (i) transfer \$15,000,000 from the General Fund to the Massachusetts Life Sciences Investment Fund established by section 6 of chapter 23I of the General Laws; (ii) transfer \$20,000,000 from the General Fund to the Health Care Workforce Transformation Trust Fund established in section 2FFFF of chapter 29 of the General Laws; (iii) make \$40,000,000 available to be used as revenue in fiscal year 2013, in addition to amounts made available under said clause (a) of said section 5C of said chapter 29, as provided in section 161; and (iv) transfer the remaining balance from the General Fund to the Commonwealth Stabilization Fund.

SECTION 6. The amounts in the following items in sections 2 and 2A shall be appropriated only if \$40,000,000 is available to be used as revenue in fiscal year 2013 under clause (iii) of subsection (a) of section 154 of the general appropriation act for fiscal year 2013, as amended by section 5 of this act: 1599-2007, 1599-4380, 4800-0041, 5095-0015, 7004-0101, and 8700-0001. If some but not all of that \$40,000,000 is available, the amounts appropriated in those items shall be proportionately reduced to the extent necessary.

SECTION 7. Not later than December 31, 2012,, the commissioner of revenue shall certify to the comptroller the amount of foregone revenue resulting from any sales tax holiday enacted by the general court in calendar year 2012. Notwithstanding the last paragraph of section 2H of chapter 29 of the General Laws, for the purpose of compensating for that amount of foregone revenue, the comptroller shall transfer to the General Fund, in that amount of foregone revenue, the proceeds of one-time settlements or judgments that would otherwise be transferred to the Commonwealth Stabilization Fund, according to a schedule approved by the secretary of administration and finance and considering the cash flow needs of the commonwealth.

SECTION 8. The department of mental health shall commission an independent consultant to evaluate and analyze the public and private behavioral health care services available to the residents of the commonwealth. The department shall advise, direct and consult with the independent consultant on the execution and completion of the analysis. The analysis shall include, but not be limited to, an account of the following: (a) the availability of inpatient and outpatient behavioral health care services, including community based supports; (b) the inpatient capacity of acute and continuing care beds at public and private psychiatric facilities, including overall bed availability and bed availability for co-morbid and difficult to place patients, average length of stay and geographic location; (c) the connection between public and private behavioral health care services; (d) the payment and reimbursement of behavioral health care services; (e) the implementation of state and federal mental health parity laws; (f) the prior authorization and adverse determination requirements related to the coverage of behavioral health care services; (g) the boarding of behavioral health patients in hospital emergency departments; (h) the use of direct admissions to inpatient behavioral health care services from a community-based setting; and (i) a review of the Massachusetts Emergency Services Program.

The consultant shall provide to the general court a report containing: (i) an assessment of the state's inpatient services provided through the department of mental health; (ii) an estimate of the appropriate number of inpatient mental health beds given the current number of community placements; and (iii) the anticipated impact of the closure of Taunton State Hospital on the mental health needs of the southeastern region of the commonwealth. The department shall file its recommendations based on the final report of the independent consultant with the clerk of the house of representatives and the clerk of the senate. The department shall review and make recommendations to the independent consultant on these preliminary and all subsequent findings before the filing of these reports.